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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

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COPY

*Attorneys for Plaintiff Stacy Orlick
On Behalf Of Herself and All Others Similarly Situated*

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

STACY ORLICK, on behalf of herself
and all others similarly situated,

Plaintiff,

vs.

RAWLINGS SPORTING GOODS
CO., INC., a Delaware Corporation,
and DOES 1-10, inclusive,

Defendant

Case No.:

CV12-6787

*GHK
(RZx)*

**CLASS ACTION
COMPLAINT FOR:**

1. California False Advertising Act, California *Business & Professions Code* § 17500 et seq.
2. California Unfair Competition Law, California *Business & Professions Code* § 17200 et seq.
3. California Consumers Legal Remedies Act, California *Civil Codes* § 1770 et seq.

JURY TRIAL DEMANDED

1 Plaintiff Stacy Orlick, on behalf of herself and all others similarly situated
2 alleges as follows: Plaintiff's allegations are based on the investigation of
3 counsel, and thus on information and belief, except as to the individual actions of
4 Plaintiff, as to which Plaintiff has personal knowledge.

5 **THE PARTIES**

6 1. Plaintiff Stacy Orlick is a citizen and resident of Los Angeles,
7 California. She purchased a Rawlings Power Balance Performance Bracelet for
8 herself after hearing about Rawlings Sporting Goods Co., Inc., ("Rawlings")
9 products through word of mouth and then viewing internet advertising on one of
10 Rawlings' distributor's website. In the purchase of this product, Plaintiff saw and
11 relied on the marketing and advertising materials promoting Rawlings bracelets
12 and necklaces and has been damaged in her purchase of a Rawlings bracelet as a
13 direct result of false and/or misleading marketing and advertising materials.

14 2. Rawlings Sporting Goods Co., Inc. (hereafter "Rawlings" or
15 "Defendant") is a Delaware corporation headquartered in St. Louis Missouri, and
16 does business throughout California and the United States. Rawlings is the owner
17 and distributor of Rawlings Bracelets and Necklaces (collectively "Rawlings
18 Accessories" or "Accessories"). These are products which Rawlings' advertising
19 claims will improve users' natural energy field, which can improve strength,
20 balance, and flexibility.

21 3. Plaintiff does not know the true names or capacities of the persons or
22 entities sued herein as DOES 1-10, inclusive, and therefore sue such Defendants
23 by such fictitious names. Plaintiff is informed and believes, and upon such
24 information and belief alleges, that each of the DOE Defendants is in some
25 manner legally responsible for the damages suffered by Plaintiff and the members
26 of the class as alleged herein. Plaintiff will amend this complaint to set forth the

1 true names and capacities of these Defendants when they have been ascertained,
2 along with appropriate charging allegations, as may be necessary.

3 4. As at all times herein mentioned, Defendants and each of them were
4 the agents, principals, servants, employees and subsidiaries of each of the
5 remaining Defendants and were at all times acting within the purpose and scope
6 of such agency, service, and employment and directed, consented, ratified,
7 permitted, encouraged and approved the acts of each remaining Defendant.

8 **JURISDICTION AND VENUE**

9 5. This Court has subject matter jurisdiction pursuant to the Class
10 Action Fairness Act of 2005, 28 U.S.C. § 1332(d), because at least one Class
11 member is of diverse citizenship from one Defendant; there are more than 100
12 Class members nationwide; the aggregate amount in controversy exceeds
13 \$5,000,000; and minimal diversity exists.

14 6. Venue is proper in this District under 28 U.S.C. § 1391(a) because a
15 substantial part of the events or omissions giving rise to the claims occurred
16 and/or emanated from this District, and Defendants have caused economic injury
17 to Class members residing in this District. Further, Plaintiff resides in this
18 District and Plaintiff purchased the product at issue from within this District.

19 **FACTUAL ALLEGATIONS**

20 7. Defendants distribute in commerce Rawlings Accessories throughout
21 the United States.

22 8. Rawlings has made misleading statements about Rawlings
23 Accessories on its website directly, along with displaying many testimonials on
24 its website. The Rawlings website currently states that the Rawlings Accessories
25 are a "favorite among elite competitors."
26

1 9. The product description on the Rawlings website states that Power
2 Balance is "Performance Technology."

3 10. In 2011, the Rawlings website provided the following description of
4 the Power Balance Performance Bracelet:

5 Are you looking for increased Balance, Strength, and
6 Flexibility? If so, then the Power Balance Performance
7 Bracelet is the perfect fit for you. Power Balance is a
8 performance technology that is a favorite among elite
9 athletes and individuals that strive to perform at the top
10 of their game, no matter what it is. Power balance
11 holograms are embedded with frequencies that react
12 positively with your body's natural energy fields. When
13 the hologram comes in contact with your body's energy
14 field, it allows your body to interact with the natural,
15 beneficial frequency stored with the hologram. This
16 results in improved energy flow throughout your body.

17 11. In the "Features" section of the product description, Rawlings
18 promised that the Power Balance Performance Bracelet "Improves Balance,
19 Strength, and Flexibility."

20 12. Similar descriptions for the Rawlings Power Balance Performance
21 Bracelet can be currently found on popular websites such as Amazon.com,
22 Walmart.com, Directsports.com, and Buy.com, to name just a few.

23 13. The manner in which Rawlings' products are marketed and
24 advertised, such as through the statements described above, is misleading to an
25 average consumer. Most consumers, when reading these claims, assume that this
26 product has the health benefits that are marketed and advertised and that
27 scientifically significant research supports statements made by Rawlings, when in
28 fact that is not the case.

15. Plaintiff brings this lawsuit, both individually and as a class action on behalf of similarly situated purchasers of Rawlings Accessories, pursuant to Federal Rule of Civil Procedure 23(b)(2) and (3). The proposed Class consists of:

Excluded from the proposed Class are Defendants, its respective officers, directors, and employees, any entity that has a controlling interest in Defendants, as well as those who purchased Rawlings Accessories for the purpose of resale. Any claims for personal injury or consequential damages, not otherwise permitted under the facts pled herein, are expressly excluded from this action. Plaintiff reserves the right to amend the Class definition as necessary.

CLASS ACTION COMPLAINT- 4

1 ascertained through discovery, Plaintiff reasonably believes that there are tens of
2 thousands of Class members.

3 **17. Common Question of Law and Fact Predominate:** There are
4 questions of law and fact common to the Class, which predominate over any
5 individual issues, including:

- 6 (a) whether Defendants have any substantiation for its claims regarding
7 Rawlings Accessories prior to making them and, if so, the adequacy
8 of the substantiation;
9 (b) whether Defendants' claims regarding Rawlings Accessories are
10 deceptive or misleading;
11 (c) Whether Defendants' engaged in false and/or misleading advertising;
12 (d) Whether Defendants' conduct as alleged herein violates the California
13 Business & Professions Code §17200 *et. seq.*;
14 (e) Whether Defendants' conduct as alleged herein violates the
15 California's Consumer Legal Remedies Act;
16 (f) Whether Defendants' conduct as alleged herein violates the
17 California Business & Professions Code §17500 *et. seq.*;
18 (g) Whether Plaintiff and Class members have sustained monetary loss
19 and the proper measure of that loss; and
20 (h) Whether Plaintiff and Class members are entitled to declaratory and
21 injunctive relief.

22 **18. Typicality:** Plaintiff's claims are typical of the claims of the
23 members of the Class. Plaintiff and all members of the Class have been similarly
24 affected by Defendants' common course of conduct since they all relied on
25 Defendants' representations concerning their products and purchased the products
26 based on those representations.

27 **19. Adequacy of Representation:** Plaintiff will fairly and adequately
28 represent and protect the interest of the Class. Plaintiff has retained counsel with
substantial experience in handling complex class action litigation. Plaintiff and
her counsel are committed to prosecuting this action vigorously on behalf of the
Class and have the financial resources to do so.

1 **20. Superiority of the Class Action:** A class action is superior to all
2 other available methods for the fair and efficient adjudication of this lawsuit,
3 because individual litigation of the claims of all Class members is economically
4 unfeasible and procedurally impracticable. While the aggregate damages
5 sustained by the Class are likely in the millions of dollars, the individual damages
6 incurred by each Class member resulting from Defendants' wrongful conduct are
7 too small to warrant the expense of individual suits. The likelihood of individual
8 Class members prosecuting their own separate claims is remote, and even if every
9 Class member could afford individual litigation, the court system would be
10 unduly burdened by individual litigation of such cases. Individual members of
11 the Class do not have a significant interest in individually controlling the
12 prosecution of separate actions, and individualized litigation would also present
13 the potential for varying inconsistent, or contradictory judgments, and would
14 magnify the delay and expense to all of the parties and to the court system
15 because of multiple trials of the same factual and legal issues. Plaintiff knows of
16 no difficulty to be encountered in the management of this action that would
17 preclude its maintenance as a class action. In addition, Defendants' have acted or
18 refused to act on grounds generally applicable to the Class and, as such, final
19 injunctive relief or corresponding declaratory relief with regard to the members of
20 the Class as a whole is appropriate.

21 **21.** Unless a class is certified, Defendants will retain monies received as
22 a result of its conduct that was taken from Plaintiff and proposed Class members.
23 Unless an injunction is issued, Defendants will continue to commit the violations
24 alleged, and the members of the Class and the general public will continue to be
25 misled.

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PLAINTIFF'S EXPERIENCE

22. Plaintiff, after hearing about Rawlings Accessories, went to Walmart.com where she saw promotional advertising for the Power Balance Performance Bracelet.

23. Following her viewing of the advertisements, and in reliance on the advertisements, Plaintiff purchased a Rawlings bracelet via the internet from her residence in Los Angeles, California. Plaintiff hoped to experience the improved energy flow and increased balance, strength, and flexibility that the advertising for the Power Balance Performance Bracelet described. The Rawlings bracelet purchased cost about \$35.00, including shipping. Plaintiff used the Rawlings bracelet as instructed and advertised, but did not experience any of the promised benefits. Thus, Plaintiff has been damaged in purchasing a Rawlings Accessory that was worthless to her.

FIRST CAUSE OF ACTION

Business and Professions Code §17500

(Violation of the False Advertising Act)

By Plaintiff and the Class Against All Defendants)

24. Plaintiff hereby incorporates paragraphs 1-23 above as if set forth in full.

25. *Business and Professions Code §17500* provides that “[i]t is unlawful for any ... corporation ... with intent ... to dispose of ... personal property ... to induce the public to enter into any obligation relating thereto, to make or disseminate or cause to be made or disseminated ... from this state before the public in any state, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatever, including over the Internet, any statement ... which is untrue or

1 misleading, and which is known, or which by the exercise of reasonable care
2 should be known, to be untrue or misleading....”

3 26. Defendants misled consumers by making untrue statements and
4 failing to disclose what is required as stated in the Code, as alleged above.

5 27. As a direct and proximate result of Defendants’ misleading and false
6 advertising, Plaintiff and the members of the Class have suffered injury in fact
7 and have lost money or property.

8 28. The misleading and false advertising described herein present a
9 continuing threat to Plaintiff and the Class in that Defendants persist and continue
10 to engage in these practices, and will not cease doing so unless and until forced to
11 do so by this Court. Defendants’ conduct will continue to cause irreparable injury
12 to consumers unless enjoined or restrained.

13
14 **SECOND CAUSE OF ACTION**

15 **Business and Professions Code §17200, *et seq.***

16 **(Violation of the Unfair Competition Law)**

17 **By Plaintiff and the Class Against All Defendants**

18 29. Plaintiff hereby incorporates paragraphs 1-23 above as if set forth in
19 full.

20 30. California Business and Professions Code §17200, *et seq.*, (the
21 “Unfair Competition Law” or “UCL”) authorizes private lawsuits to enjoin acts of
22 “unfair competition” which includes any unlawful, unfair, or fraudulent business
23 practice.

24 31. The UCL imposes strict liability. Plaintiff need not prove
25 Defendants intentionally or negligently engaged in unlawful, unfair or fraudulent
26 business practices – but only that such practices occurred.

1 32. The material misrepresentations, concealment and non-disclosures
2 by Defendants Rawlings, and DOES 1-10, as part of their marketing and
3 advertising for the Rawlings Accessories are unlawful, unfair, and fraudulent
4 business practices prohibited by the UCL.

5 33. In carrying out such marketing, Defendants have violated the
6 Consumer Legal Remedies Act, the False Advertising Law, and various other
7 laws, regulations, statutes, and/or common law duties. Defendants' business
8 practices alleged herein, therefore, are unlawful within the meaning of the UCL.

9 34. The harm to Plaintiff and members of the public outweighs the
10 utility of Defendants' practices and, consequently, Defendants' practices, as set
11 forth fully above, constitute an unfair business act or practice within the meaning
12 of the UCL.

13 35. Defendants' practices are additionally unfair because they have
14 caused Plaintiff and the class substantial injury, which is not outweighed by any
15 countervailing benefits to consumers or to competition, and is not an injury the
16 consumers themselves could have reasonably avoided.

17 36. Defendants' practices, as set forth above, have misled the general
18 public in the past and will mislead the general public in the future. Consequently,
19 Defendants' practices constitute an unlawful and unfair business practice within
20 the meaning of the UCL.

21 37. Pursuant to Cal. Bus. And Prof. Code § 17204, an action for unfair
22 competition may be brought by any "person ... who has suffered injury in fact
23 and has lost money or property as a result of such unfair competition."
24 Defendants' wrongful misrepresentations and omissions have been directly and
25 seriously injured Plaintiff and the putative class by causing them to purchase
26 Rawlings products based upon false and misleading marketing and labeling.

1 38. The unlawful, unfair, and fraudulent business practices of
2 Defendants are ongoing and present a continuing threat that members of the
3 public will be misled into purchasing the Rawlings Accessories and upon learning
4 that the wristband does not have the promised results, will be out of money.

5 39. Pursuant to the UCL, Plaintiff is entitled to preliminary and
6 permanent injunctive relief ordering Defendants to cease this unfair competition,
7 as well as disgorgement and restitution to Plaintiff and the Class of all of
8 Defendants' revenues associated with their unfair competition, or such portion of
9 those revenues as the Court may find equitable.

10
11 **THIRD CAUSE OF ACTION**

12 **Civil Code § 1770, *et seq.***

13 **(Violation of the Consumer Remedies Act)**

14 **By Plaintiff and the Class Against All Defendants**

15 40. Plaintiff hereby incorporates paragraphs 1-23 above as if set forth in
16 full.

17 41. The Consumer Legal Remedies Act ("CLRA") creates a non-
18 exclusive statutory remedy for unfair methods of competition and unfair or
19 deceptive acts or business practices. *See Reveles v. Toyota by the Bay*, 57 Cal.
20 App. 4th 1139, 1164 (1997). Its self-declared purpose is to protect consumers
21 against these unfair and deceptive business practices, and to provide efficient and
22 economical procedures to secure such protection. Cal. Civil Code § 1760. The
23 CLRA was designed to be liberally construed and applied in favor of consumers
24 to promote its underlying purposes. *Id.*

25 42. More specifically, Plaintiff alleges that Defendants have violated
26 paragraphs 5, 7, 9 and 16 of the Cal. Civ. Code § 1770(a) by engaging in the
27 unfair and/or deceptive acts and practices set forth herein. Defendants' unfair
28

1 and deceptive business practices in carrying out the marketing program described
2 above were and are intended to and did and do result in the purchase of
3 Defendants' products by consumers, including Plaintiff, in violation of the
4 CLRA. Cal. Civil Code § 1770, *et seq.*

5 43. As a result of Defendants' unfair and/or deceptive business practices,
6 Plaintiff and all purchasers of Defendants' products have lost money in that they
7 paid for products that did not have the benefit as represented. Plaintiff seeks and
8 is entitled to an order enjoining Defendants from continuing to engage in the
9 unfair and deceptive business practices alleged herein.

10 44. Pursuant to Section 1782 of the CLRA, Plaintiff intends to notify
11 Defendants in writing of the particular violations of Section 1770 of the CLRA
12 (the "Notice Letter"). If Defendants fail to comply with Plaintiff's demands
13 within thirty days of receipt of the Notice Letter, pursuant to Section 1782 of the
14 CLRA, Plaintiff will amend this Complaint to further request damages under the
15 CLRA.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff individually and on behalf of the class, prays for
18 relief and judgment as follows:

19 1. For preliminary and permanent injunctive relief enjoining
20 Defendants, its agents, servants and employees, and all persons acting in concert
21 with the, from engaging in, and continuing to engage in, the unfair, unlawful
22 and/or fraudulent business practices alleged above and that may yet be discovered
23 in the prosecution of this action;

24 2. For certification of the putative class;

5. For attorneys' fees and expenses pursuant to all applicable laws including, without limitation, Code of Civil Procedure § 1021.5, the CLRA, and the common law private attorney general doctrine;

7. For such other and further relief as the Court deems just and proper.

Plaintiff demands a jury trial on all issues so triable.

GLANCY BINKOW & GOLDBERG LLP

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CLASS ACTION COMPLAINT- 12

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge George King and the assigned discovery Magistrate Judge is Ralph Zarefsky.

The case number on all documents filed with the Court should read as follows:

CV12- 6787 GHK (RZx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:

Marc L. Godino (#182689)
 Glancy Binkow & Goldberg LLP
 1925 Century Park East, Suite 2100
 Los Angeles, CA 90067
 Telephone: (310) 201-9150

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

STACY ORLICK, on behalf of herself and all others
 similarly situated

PLAINTIFF(S)

v.

RAWLINGS SPORTING GOODS CO., INC., a
 Delaware Corporation, and DOES 1-10, inclusive,

DEFENDANT(S).

CASE NUMBER

CV12-6787-GHK(RZ)

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Marc L. Godino, whose address is 1925 Century Park East, Suite 2100, Los Angeles, CA 90067. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: AUG - 7 2012By: MARILYN D

Deputy Clerk

(Seal of the Court)



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> STACY ORLICK, on behalf of herself and all others similarly situated,	DEFENDANTS RAWLINGS SPORTING GOODS CO., INC., a Delaware Corporation, and DOES 1-10, inclusive,
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Marc L. Godino (#182689) Glancy Binkow & Goldberg LLP, 1925 Century Park East, Suite 2100 Los Angeles, CA 90067, Telephone: (310) 201-9150	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

- | | | | | | |
|-----------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)CLASS ACTION under F.R.C.P. 23: ☒ Yes ☐ No☐ MONEY DEMANDED IN COMPLAINT: \$ to be proved**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Business & Professions Code 17200 and 17500, Civil Code Section 1770 - Violations of False Advertising Act, Unfair Competition Law, and Consumer Remedies Act

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <div style="background-color: #e0e0e0; text-align: center;">REAL PROPERTY</div> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<div style="background-color: #e0e0e0; text-align: center;">PERSONAL INJURY</div> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <div style="background-color: #e0e0e0; text-align: center;">IMMIGRATION</div> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<div style="background-color: #e0e0e0; text-align: center;">PERSONAL PROPERTY</div> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <div style="background-color: #e0e0e0; text-align: center;">BANKRUPTCY</div> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <div style="background-color: #e0e0e0; text-align: center;">CIVIL RIGHTS</div> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<div style="background-color: #e0e0e0; text-align: center;">PETITIONS</div> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <div style="background-color: #e0e0e0; text-align: center;">FORFEITURE / PENALTY</div> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <div style="background-color: #e0e0e0; text-align: center;">PROPERTY RIGHTS</div> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <div style="background-color: #e0e0e0; text-align: center;">SOCIAL SECURITY</div> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <div style="background-color: #e0e0e0; text-align: center;">FEDERAL TAX SUITS</div> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

CV12-6787

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
 If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
 If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
1. Plaintiff Stacy Orlick - Los Angeles, California	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Defendant Rawlings Sporting Goods Co., Inc. - St. Louis, MI

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____ **Date** August 6, 2012.

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))